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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,055	12/15/2003	Salim S. AbiEzzi	MSI-2763US	4063
22801 7590 04/25/2008				
LEE & HAYES PLLC				
421 W RIVERSIDE AVENUE SUITE 500				
SPOKANE, WA 99201				
EXAMINER				
LIN, JASON K				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
04/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,055

Applicant(s)

ABIEZZI ET AL.

Examiner

JASON K. LIN

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-23 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/17/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to application No. 10/736,055 filed on 01/17/2008.

Claims 8-9 and 24-25 are cancelled and **Claims 1-7, 10-23, and 26** are pending and have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on 11/16/2007 is considered.

Response to Arguments

3. Applicant's arguments with respect to **Claims 1-7, 10-23, and 26** have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground(s) of rejection has been made, the examiner deems that some of applicant's arguments need to be addressed. In response to applicant's arguments in Paragraph 0014, 0015 that finality for the next action would be premature for the following reasons:

- The Applicant took no action (e.g., amendment or filing of an IDS with a fee) herein that necessitates that the Examiner perform a new search or introduce a new ground of rejection.
- The amendments to at least independent claims 1 and 11, and 17 are limited to incorporating the recitation of dependent claims (or are of substantially the same subject matter).

The examiner respectfully disagrees. The newly amended independent claims 1, 11, and 17 do require a further search, as the scope of the claims has changed and does not just incorporate **only** the recitation of previous dependent claims. Namely,

"DVD's **containing commercially available** titles" was not claimed in the originally filed independent and dependent claims. There is an explicit difference between merely having a **DVD containing titles** and a **DVD containing commercially available titles**. The first is broader, where the titles contained on the DVD can be both, but not limited to titles produced commercially or user generated for personal use, while the latter just limits the titles contained on a DVD to be just commercial titles.

Also in response to applicant's arguments in Paragraph 0021, 0024 that independent claims 1, 11, and 17 incorporate claim language from previously pending claims 9 and 25,

- The jukebox having a plurality of DVD's containing commercially available titles stored therein.

The examiner respectfully disagrees. The newly amended dependent claims do not just merely incorporate claim language from previously pending claims 9 and 25. It incorporates additional language that has not been introduced into the claims as originally filed prior. More specifically, original claims 9 and 25 filed 12/15/2003 states:

- wherein the optical discs are in the DVD format

As can be seen, Claims 9 and 25 **only** state that the discs are in "DVD format", and do not state "DVD's **containing commercially available** titles", therefore the newly independent claims change the scope of the claims and requires further search and consideration. Please see examiner argument above on the difference between **DVD containing titles** and a **DVD containing commercially available titles**.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 4-5, 11-13, 15-18, and 22** are rejected under 35 U.S.C. 102(e) as being anticipated by FENWICK, JR. et al. (US 2003/0204852) in view of FREEMAN et al. (US 2002/0129374).

Consider **claim 1**, FENWICK teaches a computer-readable medium having computer-executable instructions for a media server residing on a home network to perform steps (SMS 10 – Fig. 1; Paragraph 0016) comprising:

establishing a two-way digital connection with a jukebox, the jukebox having a plurality of DVD's containing available titles stored therein (Paragraph 0013 teaches an audiovisual device 8 – Fig.1, such as banks of digital video disk (DVD) players {jukebox} containing program materials such as on demand feature length and other films, video programs, etc that is connected to the SMS. Paragraph 0016 teaches two-way digital connection with the banks of digital video disk (DVD) players {jukebox});

querying the jukebox for information regarding titles stored on the DVD's in the jukebox (Paragraph 0020);

compiling and caching a title directory for the titles stored on the DVD's in the jukebox (Paragraph 0020);

receiving a request to use the jukebox from a media client on the home network (Paragraph 0024), the media client being connected to a display device (Paragraph 0015);

sending the title directory to the media client for presenting an interactive user interface on the display device (Paragraph 0027, 0039);

receiving a request from the media client for a selected title stored on a DVD in the jukebox (Paragraph 0040);

retrieving contents of the selected title from the DVD in the jukebox (Paragraph 0024, 0040); and

transmitting the contents of the selected title to the media client for display on the display device (Paragraph 0015, 0024, 0040).

FENWICK does not explicitly teach that DVD's containing commercially available titles.

In an analogous art FREEMAN teaches, DVD's containing commercially available titles (Paragraph 0029, 0203).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify FENWICK's system to include DVD's containing commercially available titles, as taught by FREEMAN, for the advantage of providing viewers with a greater variety of widely distributed entertainment, such as different blockbusters, filmed/directed by professionals.

Consider **claim 11**, FENWICK teaches a computer-readable medium having computer-executable instructions for a media client residing on a home network (Paragraph 0023, 0040) and connected to a display device (Paragraph 0015) to perform steps comprising:

presenting on the display device an option to use a jukebox for selection by the user (Paragraph 0031 teaches instructing the user to press a menu button, in order to access titles available at audiovisual devices such as banks of digital video disk (DVD) players {jukebox} as taught in Paragraph 0013. *The option to use the DVD players {jukebox} is the instruction to press a menu button, to access titles stored by the DVD players {jukebox}*), the jukebox being connected to the home network via a media server (Fig.1; Paragraph 0013-0014, 0016);

receiving a first user input signal selecting the option to use the jukebox (Paragraph 0031 teaches the user pressing a menu button, in order to access titles available at the banks of digital video disk (DVD) players {jukebox}. *Thereby pressing the menu button, the user selects to use the DVD players {jukebox}*);

querying the media server connected to the jukebox for information on DVD's containing available titles stored in the jukebox (Paragraph 0027, 0039);

receiving from the media server the information on titles stored on the DVD's in the jukebox (Paragraph 0027, 0039);

presenting an interactive user interface on the display device to present the information on the titles stored on the DVD's in the jukebox (Paragraph 0039);

receiving a second user input signal requesting viewing of a selected title stored on a DVD in the jukebox (Paragraph 0040);

requesting the media server for contents of the selected title (Paragraph 0024, 0040);

receiving the contents of the selected title from the media server (Paragraph 0024, 0040); and

displaying the contents of the selected title on a display device (Paragraph 0015, 0024, 0040).

FENWICK does not explicitly teach that DVD's containing commercially available titles.

In an analogous art FREEMAN teaches, DVD's containing commercially available titles (Paragraph 0029, 0203).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify FENWICK's system to include DVD's containing commercially available titles, as taught by FREEMAN, for the advantage of providing viewers with a greater variety of widely distributed entertainment, such as different blockbusters, filmed/directed by professionals.

Consider **claim 17**, FENWICK teaches a home entertainment system (Fig. 1) comprising:

a home network (Fig.1; Paragraph 0012);

a jukebox having a plurality of DVD's containing available titles stored therein (Paragraph 0013 teaches an audiovisual device 8 – Fig.1, such as banks of digital video disk (DVD) players {jukebox} containing program materials such as on demand feature length and other films, video programs, etc.);

a media server connected to the home network and having a two-way digital connection with the jukebox (SMS 10 – Fig.1; Paragraph 0013 teaches an audiovisual device 8 – Fig.1, such as banks of digital video disk (DVD) players {jukebox} connected to the SMS. Paragraph 0016 teaches two-way digital connection with the banks of digital video disk (DVD) players {jukebox});

a display device (Paragraph 0015); and

a media client connected to the display device and connected to the home network (RCS 14 – Fig.1; Paragraph 0015),

the media server being programmed to present the jukebox for discovery on the home network (Paragraph 0016), compile a title directory for the titles stored on the DVD's in the jukebox (Paragraph 0020), send the title directory to the media client (Paragraph 0027, 0039), retrieve contents of a selected title from the DVD in the jukebox, and transmit the contents of the selected title to the media client for display on the display device (Paragraph 0024, 0040), the media client being programmed to receive a user request to use the jukebox (Paragraph

0024),,, display an interactive user interface on the display device to present the title directory (Paragraph 0039), receive a user input signal selecting the selected title (Paragraph 0040), request the media server to send the contents of the selected title (Paragraph 0024, 0040), and display the contents of the selected title on the display device (Paragraph 0015, 0024, 0040).

FENWICK does not explicitly teach that DVD's containing commercially available titles.

In an analogous art FREEMAN teaches, DVD's containing commercially available titles (Paragraph 0029, 0203).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify FENWICK's system to include DVD's containing commercially available titles, as taught by FREEMAN, for the advantage of providing viewers with a greater variety of widely distributed entertainment, such as different blockbusters, filmed/directed by professionals.

Consider **claim 4**, FENWICK and FREEMAN teach performing the step of presenting the jukebox to the home network for discovery by other devices connected to the home network (FENWICK - Paragraph 0016, 0020).

Consider **claims 5 and 22**, FENWICK and FREEMAN teach performing the step of converting the contents of the selected title, and wherein the step of

transmitting transmits the converted contents to the media client (FENWICK - Paragraph 0037-0038).

Consider **claims 12 and 18**, FENWICK and FREEMAN teach wherein the display device is a television (FENWICK - Paragraph 0015).

Consider **claim 13**, FENWICK and FREEMAN teach the step of displaying includes sending analog video signals to the television (FENWICK - Paragraph 0034 teaches a NTSC-TV monitors; Paragraph 0038 teaches distributing video to the users where the modulation technique can be frequency modulation. *Frequency modulation is a modulation technique used for analog signals*).

Consider **claim 15**, FENWICK and FREEMAN teach the step of presenting an interactive user interface includes displaying menus on different levels in accordance with received user input signals (FENWICK - Paragraph 0040).

Consider **claim 16**, FENWICK and FREEMAN teach performing the step of discovering the jukebox on the home network through the media server (FENWICK - Paragraph 0016).

6. **Claims 2 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over FENWICK, JR. et al. (US 2003/0204852), in view of FREEMAN et al. (US 2002/0129374), and further in view of Heauvelman (US 2003/0126600).

Consider **claim 2**, FENWICK and Freeman teach compiling the title directory (FENWICK - Paragraph 0020), but do not explicitly teach accessing the Internet for downloading additional information for a title stored on a DVD in the jukebox, and presenting the downloaded information in the title directory.

In an analogous art Heauvelman teaches, accessing the Internet for downloading additional information for a title stored on a DVD in the jukebox (Paragraph 0065 teaches a DVD jukebox that can have its content information identified through the internet. Paragraph 0010 teaches that 09/568,932 filed for *Shteyn* is incorporated by reference, herein referred to as *Shteyn*. *Shteyn* - P: 10: lines 24-28), and presenting the downloaded information in the title directory (*Shteyn* - P. 9: lines 14-25).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify FENWICK's system to include accessing the Internet for downloading the additional information for a title stored on a DVD in the jukebox, and presenting the downloaded information in the title directory, as taught by Heauvelman, for the advantage of retrieving optimal and more recent data on titles stored, providing the user with much more recent information on a title.

Consider **claim 19**, FENWICK and Freeman teach an Internet access device connected to the home network (FENWICK - Paragraph 0034), but do not explicitly teach wherein the media server is further programmed to access the Internet for downloading information for a title stored on a DVD in the jukebox, and presenting the downloaded information in the title directory.

In an analogous art Heauvelman teaches, accessing the Internet for downloading information for a title stored on a DVD in a jukebox (Paragraph 0065 teaches a DVD jukebox that can have its content information identified through the internet. Paragraph 0010 teaches that 09/568,932 filed for *Shteyn* is incorporated by reference, herein referred to as Shteyn. Shteyn - P: 10: lines 24-28), and presenting the downloaded information in a title directory (Shteyn - P. 9: lines 14-25).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify FENWICK's system to include accessing the Internet for downloading information for a title stored on a DVD in a jukebox, and presenting the downloaded information in a title directory, as taught by Heauvelman, for the advantage of retrieving optimal and more recent data on titles stored, providing the user with much more recent information on a title.

7. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over FENWICK, JR. et al. (US 2003/0204852), in view of FREEMAN et al. (US

2002/0129374), in view of Heauvelman (US 2003/0126600), and further in view of Lamkin et al. (US 2002/0088011).

Consider **claim 3**, FENWICK, FREEMAN, and Heauvelman teach a title directory, containing information for a title stored on a DVD in the jukebox (FENWICK - Paragraph 0020), but do not explicitly teach a link to an Internet site containing information for a title stored on a DVD.

In an analogous art Lamkin teaches, a link to an Internet site containing information for a title stored on a DVD (Paragraph 0066 teaches external information weblinks for other information accessible through the internet).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of FENWICK and Lamkin to include a link to an Internet site containing information for a title stored on a DVD, as taught by Lamkin, for the advantage of providing the user with the most up to date information about a title, and allowing external sources to continuously update and provide title information.

8. **Claims 6, 7, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over FENWICK, JR. et al. (US 2003/0204852), in view of FREEMAN et al. (US 2002/0129374), and further in view of Dureau (US 2003/0135860).

Consider **claims 6 and 23**, FENWICK and FREEMAN teach the step of converting (FENWICK - Paragraph 0037-0038), but do not explicitly teach adapts

the contents of the selected title based on display characteristics of the display device connected to the media client.

In an analogous art Dureau teaches, adapts the contents of a selected title based on display characteristics of a display device connected to a media client (Paragraph 0012, 0037, 0042).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of FENWICK and FREEMAN to include adapts the contents of a selected title based on display characteristics of a display device connected to a media client, as taught by Dureau, for the advantage of making content available to a plurality of devices, allowing users to view content on whatever device that they prefer or is available at their disposal.

Consider **claim 7**, FENWICK and FREEMAN teach the step of converting (FENWICK - Paragraph 0037-0038), but do not explicitly teach transcodes contents of a selected title for transmission over a home network.

In an analogous art Dureau teaches, transcodes contents of a selected title for transmission over a home network (Fig.3; Paragraph 0012, 0037, 0042).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify they system of FENWICK and FREEMAN to include transcodes contents of a selected title for transmission over a home network, as taught by Dureau, for the advantage of making content available and compatible with

different devices, allowing users to view content on whatever device that they prefer or is available at their disposal.

9. **Claims 10 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over FENWICK, JR. et al. (US 2003/0204852), in view of FREEMAN et al. (US 2002/0129374), and further in view of Eytchison (US 6,363,434).

Consider **claims 10 and 26**, FENWICK and FREEMAN teach a two-way digital connection between the media server and the jukebox (FENWICK - Paragraph 0016 teaches two-way digital connection with the jukebox), but do not explicitly teach the two-way connection is based on the IEEE 1394 standard.

In an analogous art Eytchison teaches, a two-way connection is based on the IEEE 1394 standard (Col 5: lines 25-40; Col 6: lines 38-46).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify they system of FENWICK and FREEMAN to include a two-way connection is based on the IEEE 1394 standard, as taught by Eytchison, for the advantage of providing multiple channels for isochronous data transfers (Col 5: line 61 – Col 6: line 4), and providing a faster and more reliable data connection.

10. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over FENWICK, JR. et al. (US 2003/0204852), in view of FREEMAN et al. (US 2002/0129374), and further in view of Harrison et al. (US 6,732,373).

Consider **claim 14**, FENWICK and FREEMAN do not explicitly teach the media client is built into the television.

In an analogous art Harrison teaches, a media client is built into a television (Col 10: lines 23-34).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of FENWICK and FREEMAN to include a media client is built into a television, as taught by Harrison, for the advantage of providing users with an all in one device that contains all the needed capabilities, decreasing the amount of devices needed, further reducing visual clutter.

11. **Claims 20 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over FENWICK, JR. et al. (US 2003/0204852), in view of FREEMAN et al. (US 2002/0129374), and further in view of Lamkin et al. (US 2002/0088011).

Consider **claim 20**, FENWICK and FREEMAN teach a title directory compiled by the media server, containing information for a title stored on a DVD in the jukebox (FENWICK - Paragraph 0020), but do not explicitly teach that it includes a link to an Internet site containing additional information for a title stored on a DVD.

In an analogous art Lamkin teaches, a link to an Internet site containing additional information for a title stored on a DVD (Paragraph 0066 teaches external information weblinks for other information accessible through the internet).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of FENWICK and FREEMAN to include a link to an Internet site containing additional information for a title stored on a DVD, as taught by Lamkin, for the advantage of providing the user with the most up to date information about a title, and allowing external sources to continuously update and provide title information.

Consider **claim 21**, FENWICK, FREEMAN, and Lamkin teaches the media client is programmed to access the link to obtain the additional information for display on the television (Lamkin – Paragraph 0066).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

04/15/2008

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2623